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TOWN MAINTENANCE SHOP ANNEXATION
AMENDMENT TO THE
NEDERLAND BOULDER COUNTY
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT

This Amendment to the Nederland Boulder County Comprehensive Development Plan Intergovernmental Agreement by and between the Town of Nederland, a Colorado municipal corporation (Nederland); and the County of Boulder, a body politic and corporate of the State of Colorado (Boulder County) (collectively the "Parties"), is made to be effective on the 12th day of May, 2009.

WITNESSETH:

WHEREAS, section 29-20-101 et seq., C.R.S. as amended, enables the Parties to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts on the surrounding areas and protect the environment, and specifically authorizes local governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a "Comprehensive Development Plan"; and

WHEREAS, in order to ensure that the unique and individual character of Nederland is preserved, the Parties entered into the Nederland Boulder County Comprehensive Development Plan Intergovernmental Agreement (the "Agreement") effective March 2, 2002, that recognizes the annexed areas and development approved by Nederland, accompanied by binding commitments by the responsible jurisdictions for the preservation of the rural character of surrounding lands within the Plan Area, is in the best interest of the citizens of each of the Parties; and

WHEREAS, the prohibition of annexation or development of certain lands within the Rural Preservation Area of the Plan by Nederland contained in Section 4 of said Agreement has certain limited exceptions for annexation of parcels of land to be used for Town utilities purposes; and

WHEREAS, since the effective date of the Agreement, Boulder County conveyed to the Town a portion of its County road maintenance shop parcel in the Rural Preservation Area of the Plan, but adjacent to the Town's boundary, as described on Exhibit A attached hereto and incorporated herein by this reference (the "Town Maintenance Shop Parcel"); and

WHEREAS, the Town has expressed the desire to annex the Town Maintenance Shop Parcel and the Parties desire to enable such annexation by amending the Agreement to clearly allow for such annexation; and

WHEREAS, the Nederland Board of Trustees adopted Ordinance No. 661 (codified at Section 15-5 of the Nederland Town Code), that removes the voter approval requirement for annexations of Town-owned properties; and

WHEREAS, it is appropriate to reflect this change in the Town Code in the provisions of the Agreement through this Amendment to enable the Town to proceed to acquire and annex lands needed for municipal governmental uses; and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this Amendment to the Agreement and the adoption of an amendment to the comprehensive development plan previously approved in the Agreement.

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree to amend the Agreement and the Comprehensive Development Plan as follows:

1. ANNEXATION OF TOWN MAINTENANCE SHOP PARCEL:

Notwithstanding any provision of the Agreement to the contrary, the Parties agree that the Town Maintenance Shop Parcel, as described and shown on Exhibit A, may be annexed to the Town, and once annexed, shall be treated for purposes of the Agreement as other lands within the Nederland Town limits, and subject to the regulatory jurisdiction of the Town. No County approvals shall then be necessary for the development of the Town's Maintenance Shop on said Parcel.

2. AMENDED RURAL PRESERVATION AREA:

The Town Maintenance Shop Parcel shall no longer be considered a portion of the Rural Preservation Area pursuant to the Agreement and the comprehensive development plan incorporated therein. Except for the Town Maintenance Shop Parcel, all other lands in the Rural Preservation Area shall remain in said Area for the term of the Agreement, except for lands annexed by the Town in accordance with the terms of Section 4 of the Agreement.

3. ELIMINATION OF VOTER APPROVAL REQUIREMENT FOR ANNEXATION OF TOWN-OWNED LANDS. The Agreement is amended by the revision of paragraph 4.c. to read as follows:

4. ANNEXATION.

- c. Notwithstanding any other provisions of this Agreement, the Nederland Board of Trustees may determine, in its sole discretion that it needs land in the Rural Preservation Area for utilities, including but not limited to water, water storage, water treatment, sewer, sewage treatment, roads, OR FOR OTHER MUNICIPAL GOVERNMENTAL PURPOSES. Should the Town proceed with acquisition of such land, whether or not through the exercise of eminent domain, the Town may then annex such land, AND USE SUCH LAND FOR MUNICIPAL GOVERNMENTAL PURPOSES, and such annexation need not be

submitted to review or approval by the Boulder County Planning Commission or the Boulder County Board of County Commissioners. However, such annexation will require referral to the Nederland Planning Commission for recommendation; AND approval by the Nederland Board of Trustees, and approval by the qualified electors of the Town of Nederland at an election.

3. AMENDMENTS AND CONTINUATION OF THE AGREEMENT:

This Amendment to the Agreement, including Exhibit A, contains the entire amendment agreement between the Parties. Except as expressly provided in this Amendment, the Agreement and its incorporated comprehensive development plan shall remain in full force and effect for the term therein stated, and no other amendment to the Agreement shall be implied from the terms of this Amendment.

4. BENEFICIARIES:

The Parties, in their corporate and representative governmental capacities, are the only entities, intended to be the beneficiaries of the Plan, and no other person or entity is so intended.

5. ENFORCEMENT:

Either of the Parties may enforce this Amendment by any legal or equitable means including specific performance, declaratory and injunctive relief. No other person or entity shall have any right to enforce the provisions of this Agreement.

6. GOVERNING LAW AND VENUE:

This Amendment shall be governed by the laws of the State of Colorado and venue shall lie in the County of Boulder.

7. TERM:

This Amendment shall not affect the term of the Agreement, and the Agreement shall be amended by this Amendment as provided herein through the term of the Agreement.

THIS AMENDMENT HAS BEEN APPROVED by the parties as evidenced by the signatures of their authorized representatives below to take effect as set forth above.

TOWN OF NEDERLAND:

(SEAL)

Mart Cheshes 12/3/09
By: Martin Cheshes, Mayor Date

ATTEST:

APPROVED AS TO FORM:

[Signature]
Town Clerk

[Signature]
Town Attorney



(SEAL)

BOULDER COUNTY, BY ITS
BOARD OF COUNTY COMMISSIONERS

Ben Pearlman 11/30/09
 By: Ben Pearlman, Chair Date

ATTEST:

APPROVED AS TO FORM:

Mike Snyder
 Clerk to the Board

[Signature]
 County Attorney

Unofficial Copy

EXHIBIT A -
TOWN MAINTENANCE SHOP ANNEXATION AMENDMENT TO THE
NEDERLAND BOULDER COUNTY COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT

**Resulting Nederland Town Shop Site Parcel - 6.68 acres
(Existing parcel + Purchase Parcel)**

A parcel of land located in the southeast quarter (SE 1/4)
of Section 12, Township 1 South, Range 73 West of the 6th P.M.,
Boulder County, Colorado, described as follows:

Beginning at the southwest corner of the
southeast 1/4 of the southeast 1/4 of Section 12,
monumented by a 5/8 inch diameter rebar with a
2 inch diameter aluminum cap set by Robert Sayre,
Colorado LS 11372;

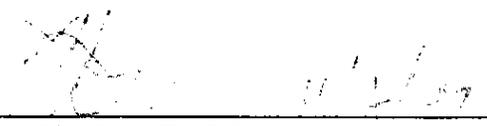
thence South 87°21'48" East, along the south line of said Section 12;
a distance of 742.09 feet;

thence North 00°00'00" East, a distance of 410.17 feet;

thence North 90°00'00" West, a distance of 739.63 feet
to a point on the west line of the southeast 1/4 of the southeast 1/4
of Section 12;

thence South 00°00'00" West, along the west line of the southeast 1/4
of the southeast 1/4 of Section 12, a distance of 376.03 feet to the
Point of Beginning.

This parcel contains 6.68 acres, more or less.



prepared by Lee Stadele
Registered Professional Land Surveyor
Colorado License Number 26300
word file 14274ts6.doc



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